IN THE HIGH COURT OF JUDICATURE AT BOMBAY

IN INSOLVENCY

PETITION NO.35 OF 2005

Re: Abdul Razak Noor Malkani & anr. ..Debtors.

Ex parte :

Dilip Gul Pariani ..Petitioning Creditor.

...

Mr. P.B. Kapadia for the Petitioning Creditor.
Debtor absent though served.

...

CORAM: DR. D.Y. CHANDRACHUD, J.

19th August, 2006.

P.C. :

The Insolvency Petition is based on a decree passed by this Court in Summary Suit 1428 of 2003 in the sum of Rs.1,78,000/- with interest at the rate of 18% per annum on the principal sum of Rs.1,00,000/- from 17th March, 2005 till payment. An Insolvency Notice was issued on 23rd June, 2004 which was served on the Debtors on 23rd November, 2004. The act of insolvency was complete on 29th December, 2004. The Insolvency Petition has been duly served and an affidavit of service has been filed. There is no reply to the Petition and the Debtors

have failed to appear. In the circumstances, the Insolvency Petition has to be allowed and is accordingly allowed in terms of prayer clauses (a) and (b).